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OCT 15 2007

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

07 CIV 9477 SEP 27 2007

FILED
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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

Ernestine Hight v. Merck & Co., Inc.,
E.D. California, C.A. No. 2:07-1872

FILED
U.S. DISTRICT COURT
2007 OCT 24 AM 9:41
S.D. of N.Y.

CONDITIONAL TRANSFER ORDER (CTO-35)

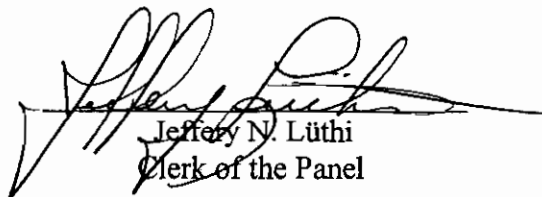
On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 90 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffrey N. Lüthi
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

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MULTIDISTRICT LITIGATION

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J. MICHAEL McMAHON,

CLERK

BY


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07W 9477
MDL 1789

CIVIL

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:07-cv-01872-LKK-EPB**

Highet v. Merck & Co., Inc.
Assigned to: Senior Judge Lawrence K. Karlton
Referred to: Magistrate Judge Edmund F. Brennan
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 09/11/2007
Jury Demand: Both
Nature of Suit: 365 Personal Inj.
Prod. Liability
Jurisdiction: Diversity

Plaintiff

Ernastine Highet

represented by **Clifford Lee Carter**
Clayco C. Arnold, A Professional
Law Corporation
608 University Avenue
Sacramento, CA 95825
(916) 924-3100
Fax: (916) 924-1829
Email: cliff@ccalawcorp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Merck & Co., Inc.

represented by **Jeffrey Marc Tanzer**
Venable LLP (Los Angeles)
2049 Century Park East
Suite 2100
Los Angeles, CA 90067
(310) 229-9900
Fax: (310) 229-9901
Email: jtanzer@venable.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/11/2007	<u>1</u>	COMPLAINT against Merck & Co., Inc. by Ernastine Highet. Attorney Carter, Clifford Lee added. (Attachments: # 1 Summons# 2

		Civil Cover Sheet)(Carter, Clifford) (Entered: 09/11/2007)
09/11/2007		RECEIPT number #CAE200001076 \$350.00 fbo Ernastine Highet by Clifford L. Carter on 9/11/2007. (Kaminski, H) (Entered: 09/11/2007)
09/11/2007	<u>3</u>	SUMMONS ISSUED as to *Merck & Co., Inc.* with answer to complaint due within *20* days. Attorney *Clifford Lee Carter* *Clayeo C. Arnold, A Professional Law Corporation* *608 University Avenue* *Sacramento, CA 95825*. (Kaminski, H) (Entered: 09/11/2007)
09/11/2007	<u>4</u>	CIVIL NEW CASE DOCUMENTS ISSUED;Initial Scheduling Conference set for 12/3/2007 at 10:00 AM in Courtroom 4 (LKK) before Senior Judge Lawrence K. Karlton. (Attachments: # <u>1</u> Consent Forms # <u>2</u> VDRP Forms) (Kaminski, H) (Entered: 09/11/2007)
09/26/2007	<u>5</u>	CERTIFICATE of SERVICE by Ernastine Highet. (Carter, Clifford) (Entered: 09/26/2007)
10/03/2007	<u>6</u>	ANSWER to COMPLAINT with Jury Demand by Merck & Co., Inc.. Attorney Tanzer, Jeffrey Marc added.(Tanzer, Jeffrey) (Entered: 10/03/2007)

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